

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           4:06CR3027-1  
                                )  
V.                            )  
                                )  
JAIME LAMON ESQUIVEL,    )                           MEMORANDUM  
                                )  
                                )  
Defendant.                 )                           AND ORDER  
                                )

The defendant has filed a brief (filing 195) but the brief was not filed by March 26, 2009, as I had earlier directed. Therefore, I see no reason to reconsider my earlier decision dismissing the defendant's 2255 motion and I will not do so.

In the late filed brief, the defendant attacks his very experienced court-appointed lawyer, Michael Hansen. He attacks Hansen for the manner in which the lawyer litigated the motion to suppress in this court and in the Court of Appeals. However, the defendant provides no basis for concluding that Hansen engaged in malpractice and no reason to conclude that the defendant was prejudiced. Essentially, the defendant seeks to relitigate my ruling denying his motion to suppress and the Court of Appeals' opinion affirming my decision. That he cannot do. Even if I were to consider the late filed brief, the 2255 motion would be denied.

IT IS ORDERED that filing 195, the defendant's brief, will not be considered because it is tardy and, independently, because it has no merit.

DATED this 30<sup>th</sup> day of March, 2009.

BY THE COURT:

*S/Richard G. Kopf*  
United States District Judge